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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/664,234	09/17/2003	Yijun Ruan	069354.0102	3948

6449 7590 11/15/2006

ROTHWELL, FIGG, ERNST & MANBECK, P.C.  
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WASHINGTON, DC 20005

EXAMINER

JOHANNSEN, DIANA B

ART UNIT

PAPER NUMBER

1634

DATE MAILED: 11/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

RECEIVED/FACILITIES  
ROTHWELL FIGG ERNST & MANBECK  
FILE NO.: 3240-0103  
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 NOV 17 2006

DKT ENTRY: \_\_\_\_\_ DCJ  
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# **Notice of Non-Compliant Amendment (37 CFR 1.121)**

Application No.

10/664,234

Examiner

Diana B. Johannsen

Applicant(s)

RUAN ET AL.

Art Unit

1634



– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –

The amendment document filed on 28 August 2006 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121 or 1.4. In order for the amendment document to be compliant, correction of the following item(s) is required.

THE FOLLOWING MARKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☒ 1. Amendments to the specification:
  - ☒ A. Amended paragraph(s) do not include markings.
  - ☐ B. New paragraph(s) should not be underlined.
  - ☒ C. Other Not all changes are illustrated by markings - see attachment.
- ☐ 2. Abstract:
  - ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
  - ☐ B. Other \_\_\_\_\_.
- ☐ 3. Amendments to the drawings:
  - ☐ A. The drawings are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d).
  - ☐ B. The practice of submitting proposed drawing correction has been eliminated. Replacement drawings showing amended figures, without markings, in compliance with 37 CFR 1.84 are required.
  - ☐ C. Other \_\_\_\_\_.
- ☐ 4. Amendments to the claims:
  - ☐ A. A complete listing of all of the claims is not present.
  - ☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
  - ☐ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following status identifiers: (Original), (Currently amended), (Canceled), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended).
  - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
  - ☐ E. Other: \_\_\_\_\_.
- ☐ 5. Other (e.g., the amendment is unsigned or not signed in accordance with 37 CFR 1.4):  
\_\_\_\_\_

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714.

TIME PERIODS FOR FILING A REPLY TO THIS NOTICE:

1. Applicant is given **no new time period** if the non-compliant amendment is an after-final amendment or an amendment filed after allowance. If applicant wishes to resubmit the non-compliant after-final amendment with corrections, the **entire corrected amendment** must be resubmitted.
2. Applicant is given **one month**, or thirty (30) days, whichever is longer, from the mail date of this notice to supply the correction, if the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for a request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a Quayle action. If any of above boxes 1. to 4. are checked, the correction required is only the **corrected section** of the non-compliant amendment in compliance with 37 CFR 1.121.

**Extensions of time** are available under 37 CFR 1.136(a) only if the non-compliant amendment is a non-final amendment or an amendment filed in response to a Quayle action.

**Failure to timely respond** to this notice will result in:

**Abandonment** of the application if the non-compliant amendment is a non-final amendment or an amendment filed in response to a Quayle action; or

**Non-entry** of the amendment if the non-compliant amendment is a preliminary amendment or supplemental amendment.

*N/A - see attachment*

Legal Instruments Examiner (LIE), if applicable

Telephone No.

***Attachment to Notice of Non-Compliant Amendment***

1. The amendment to the specification filed on August 28, 2006 does not comply with the requirements of 37 CFR 1.121(b). 37 CFR 1.121(b) requires that replacement paragraphs show changes relative to the previous version of a paragraph: additions must be shown by underlining, and deletions by strike-through (or, when indicating the deletion of 5 or fewer consecutive characters, by double brackets).

In the instant case, with regard to the "Amendment to Specification" filed August 28, 2006, the amendment refers to the "paragraph which spans page 43 line 24 through page 44 lines 1 through 13." However, the amended paragraph is not present at this location (the paragraph at this location begins "4-2. Template preparation" and continues on page 44 with text unrelated to that of the amended paragraph provided by applicant). It appears that applicant is attempting to amend a paragraph located at page 31, line 22 through page 32, line 13. However, the text in applicant's amendment includes several changes that are not illustrated by markings. For example, line 5 of the amended paragraph refers to "0.4mg/ml" while the original text recites "0.4µg/µl". Additionally, the punctuation at page 32 lines 3, 8, 10, and 13 differs in the two versions of the paragraph, without any illustration of such changes in the text of the replacement paragraph.

In response to this Notice, an amendment to the specification complying with the format set forth in 37 CFR 1.121(b) is therefore required.

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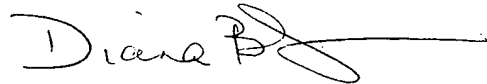
2. Since the reply filed on August 28, 2006 appears to be *bona fide*, applicant is given a TIME PERIOD of **ONE (1) MONTH** or **THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to submit an amendment in compliance with 37 CFR 1.121 in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).**

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Diana B. Johannsen whose telephone number is 571/272-0744. The examiner can normally be reached on Monday and Thursday, 7:30 am-4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ram Shukla can be reached at 571/272-0735. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to read "Diana B. Johannsen", with a long horizontal flourish extending to the right.

Diana B. Johannsen  
Primary Examiner  
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